

IN THE SENATE OF THE UNITED STATES.

JANUARY 11, 1860.—Ordered to be printed.

Mr. SEBASTIAN made the following

R E P O R T .

[To accompany Bill S. 55.]

*The Committee on Indian Affairs, to whom was referred the petition of
Tilman Leak, beg leave to make the following report:*

The petitioner represents that on the 7th day of May, 1856, he purchased from William Garrett, who was appointed agent to sell the "dead and abandoned Indian locations" for the State of Alabama, belonging to the Creek tribe of Indians, fractional sections six and seven, township 19, range 18, under an act of Congress passed in 1857, for which he paid the sum of \$679 57. He further states that the said fractional sections were sold as an entirety, and that on application at the proper department for confirmation of titles to said purchase and for a patent thereon, he was informed that the fractional section seven was already sold and patented to William A. Campbell on the 8th of September, 1835. The petitioner states that fractional section seven being thus patented and previously sold as an entirety, and that he purchased the same, and that by taking from the said fractional section seven it materially detracts from the value of the remainder of said land, particularly as on the said fractional section seven there is a ferry and privileges thereto belonging. He therefore prays that there be refunded to him the amount he paid for said land, \$679 57, with interest at eight per cent. added from the date of purchase, the 7th of May, 1856.

The testimony in this case shows that, under the treaty of March 24, 1832, with the Creek Indians, the fractions alluded to, a certain Creek Indian had those lands assigned to him, being the amount he was entitled to as a head of a family of that tribe; that it was sold, as stated by the petitioner, under the authority of the President of the United States, as public land, and patented to said Campbell, as stated by the petitioner, and that the said Campbell and those claiming under him have remained and are now in uninterrupted possession of the same. The testimony further shows that the sale of the said fractions to the petitioner was an entirety, and that the loss of fraction seven, which had been previously sold, as above stated, does

materially affect the value of said property. Your committee therefore recommend that the said sale made to the petitioner be rescinded, and the amount paid into the treasury of the United States by the petitioner be refunded to him, and report the accompanying bill for his relief.